App F. IX-4

PRESERVED

Previous References. 1940. (Legis) File No. 40-39

Serial Nos. 1

Later References. A collection

78

GENERAL AND REVENUE SECRETARIAT

Manuscript

Serial Nos.

Part B for

SUBJECT

The Mysore Legal practitioners (Amendment Act 1940

To

The compiler Mysore Gazette

No P.5332-Legis 40-39-1 dated 6-2-40

Directs the publication of the Act as Act No 11 1940

M/61 6/43

General and Revenue Secretariat

Ch File No. 74 of 1937. [App. F. III—2

Serial No. 1

From
The Registrar High Court
Roc No 1148/36-37 Dt 14.9.37.

Suggests for the consideration of Government the amendment of Section 26 of the Mysore Legal practioners Regulation on the lines of Section 36 of the Legal practioners Act XVIII of 1879 in British India as subsequently amended by Act XV of 1926.

A Statement containing the provisions under the Mysore Legal practioners Regulation and those under Sec 36 of the Legal practioners Act in British India is submitted herewith for reference

Submitted for Orders

Put up the B.J. Act

28/9

28.9

2) The Laws Relating Committee has recommended the framing of rules on the lines of British Indian Rules. See 36 of the L.P. Act of British India corresponding to See 26 of our Regulation ~~Act~~ as in 1926. By Act XV of 1926

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

Sec 36 of

The B. G Act was considerably amended making provision for declaring Courts persons who to the Satisfaction of Subordinate Courts were acting as such

3 At the same time provision was specifically made for holding an enquiry whenever necessary by a Subordinate Court

An explanation was added to define the words 'general repute'

4 The act of a person who in persons acting as a Court after the declaration by the Court as such is considered to have committed an offence & he is punishable with fine or imprisonment

5 No penal provision or scope of an enquiry has is found in new Regulation

Sec 26 No Dowling has become rampant in the State and Stringent measures are necessary to put this down Both the clients and the legal practitioners are misled by Courts. Many people are making a more decent living than the lawyers simply by acting as Courts. These Courts are responsible for the corruption of the officials of the Courts and in bigger cities they are a menace to the society -

Routing 1/20

General and Revenue Secretariat — C6 File No. 74 of 1937 — [App. F. III—2

Serial No.

like the pathan moneylenders.

6 The proposed legislation will curb their activities to some extent though it cannot eradicate them.

7 If approved necessary steps will be taken to bring a bill before during the next Budget Session

Gen Secy 7 / 1st member) 8 Yes 6/10. 10/10 30.9

10/10 6.10.

9) Please bring up at Darjeeling

10/10 12/10/37 Yes 13/10

10) This may be put up after December Session as advised by The 1st Member

10/10

GENERAL SECRETARY. 30 SEP. 1937 1914

OFFICE OF THE FIRST MEMBER OF COUNCIL OCT 7 1937 No 1698

Govs B bill 1-6-1938

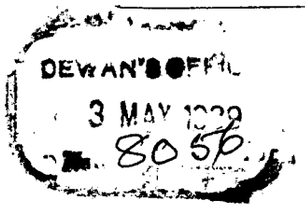
Ordered to put in March 1939 with a Bill

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

Amendment of Legal Practitioners Act

General and Revenue Secretariat | File No. | of 193



Serial No.

A draft Bill and a draft Statement of fundamental Principles are put up for orders.

Sec 17.4.39 put up the L.D. Committee report

18.4

It is put up

Sec 19.4. The draft bill is based on the L.P. Act now prevailing in British India. It is intended to put down touting as far as possible

The bill & the Statement of fundamental principles are proposed for orders. It is intended to introduce the bill in the Legislative Council & RA & LC. When is a Council Matter

Gen Secy) 25.4

1st member) 29/4

29/4/39 29.4

1/5

This is a Council matter & may perhaps be disposed of by circulation.

Chief Secy 1.5

Dewan) 2.5.39

2.5

3-5-39

CBV)

5/5

6.5

NOTE—Contn. Sheet.

Sec'd

Sec. memo is put up

5/5

Dejected

5/5

WD 02553—G PB—50,000—8-7-30

For Disposal by Circulation. **No. C. 464**

of 1938-39

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

Bill further to amend the Mysore Legal Practitioners' Act, 1884.

Circulated to the Members of Council.

By Order,

5th May 1939. *Chief Secretary to Government.*

First Member of Council. Seen.

A664 1-5-39 **Second Member of Council.** 6-5-39

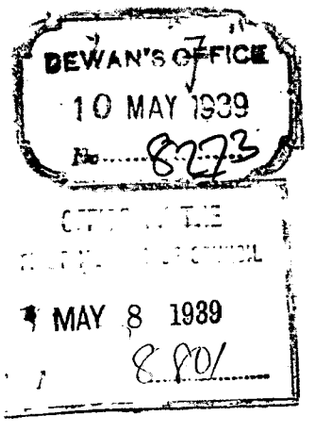
6.5.39

8-5

Legal Practitioners (Amendment) Bill

General and Revenue Secretariat | File No. | of 193 | [App. F. III–2

Serial No.



A D. F. R is submitted.

If approved Copies of the statement of Annual Principles will be sent to the R.A. this pending the sanction of His Highness.

8.5.39 (Sd- Member) Sd/- 8-5

Signed Final note is kept below

Sd/- 9/5 Sd/- 9.5

Submitted with a D.F.R.

Done 9/5 (Sd- Dewan) Sd/- 9.5

NOTE—Contn. Sheet.

C464

General and Revenue
Secretariat.

SUBJECT:—

Bill to amend the Mysore Legal Practitioners Act, 1884, so as to permit of the effective suppression of touting.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

9020
15.5.39

FIRST MEMBER OF COUNCIL

15/5/39

A981
15.5.39

SECOND MEMBER OF COUNCIL.

15/5

16/5

16.5

NOTE.—Contn. sheet

WD 01152—GPB—750—21-12-38

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* the Bill to amend the Mysore Legal Practitioners Act, 1884, so as to permit of the effective suppression of touting

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

Camp Fernhill,
10th May 1939 .

Final Note by the First Member of Council.

Subject.—

Legal Practitioners Amendment Bill.

The Laws Delays Committee, 1926, in its report recommended the introduction of clear and definite rules on the lines of those obtaining in British India to put down the evil of touting. The question of amending the Mysore Legal Practitioners Act, 1884, so as to permit of the effective suppression of touting has since then been under the consideration of Government. The High Court also has recommended the amendment of the Legal Practitioners Act for this purpose.

It is proposed to amend our Act on the lines of the Legal Practitioners (amendment) Act, 1926, of British India.

This proposal has been agreed to by the Dewan and the Secon Member of Council. I solicit the gracious sanction of His Highnes to place the general principles of the Bill before the ensuing session of the Representative Assembly and to introduce the Bill in the Legislative Council in due course.

M. Venkatarama Rao

MEMBER OF COUNCIL.

Bangalore,
9th May 1939.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Bill to amend the Mysore Legal Practitioners Act, 1884, so as to permit of the effective suppression of touting.

Chief Secy
M.S
13-5-39

No.767

Order.

~~KRW~~
11/5/39

Hrs
15.5.39

Legal Practitioners (amendment) Bill

General and Revenue Secretariat

File No. 5779/P of 193 . D.1825/38 [App. F. III–2

Serial No.

OFFICE OF THE
MAY 18 1939
9/5/1

8578

The Statement of general Principles with, if approved be sent to the R.A. Office for further action

Yes bg
16-5
16-5-39.

To the L.C. office with three Copies of the Statement of general Principles for necessary action

16-5-39

3 Copies taken & file returned.
BVN.
16/5/39

Submitted for orders if the Bill may be Published under rule 8 of the LC rules.
The Statement of general Principles with, if approved, be adopted as the statement of Objects and reasons.

18-6.

I do agree
& advise

may be published
bg
18-5-

Mle
19/5/39

Mr
22-5-39

published
bg
23.5

OFFICE OF THE SECRETARY
23 MAY 1939
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL.

To the L.C. office
with Copies of the Bill and Statement of Objects and Reasons for necessary action.

23.5.39

Copies taken & file returned.
BVN 23/5/39. Prothero
bg
23.5

NOTE—Contn. Sheet.

5179

Legal Practitioners (amendment) Bill.

File No. of 193 .

General and Revenue Secretariat.

Serial No.

OFFICE OF THE FIRST MEMBER OF COUNCIL
JUN 15 1939
No. 9818

The Bill was published, under rule 8 of the Rules of Business, in the Gazette of the 25th May 1939

The general Principles of the Bill were placed before the RA at its recent session and after some discussion were accepted by that body.

The following motions are put up for inclusion in the Agenda of the ensuing session of the Lc

1. Motion that the Bill, published under rule 8 of the Rules of Business, be read in Council

Mover — 1st Member

Seconder — Law Secretary.

2. Motion that the Bill be referred to a Select Committee

Mover — 1st Member

Seconder — Law Secretary.

13-6.

1st & 2nd Member) 6.14/6

ROKR 14.6

DMM 15/6/39

6 15.6

ROKR 16.6

Legal Practitioners (amendment) Bill.

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

The Bill was introduced in the L.C at the recent June session and referred to a Select Committee Consisting of the following Members;—

1. First Member — Chairman
2. Mr. Mirle N. Lakshminarayanappa
3. " C. Subrahmanya Iyer.
4. " K. Ranga Iyengar
5. " H. Linigappa.
6. " D. H. Chandrasekharaiya.
7. " H. M. Siddaramiah.
8. " K. R. Subbannachar.

Issued P.1049-55 dated 21.8.39 to the Members for the meeting on 2nd September 1939 at 1 Pm.

Copies of R.A. & L.C proceedings on the Bill are put up.

Submitted for order if the Bill may be submitted to the first Member who is Chairman of the Committee

Meeting held on 2.9.39

Done 1.9.39

1/9

The Select Committee met on 2.9.39 at 1 Pm. All the Members except Mr. K.R. Subbannachar and Mr. H.M. Siddaramiah attended the meeting. The Several Clauses of the Bill were Considered and the Report of the Select Committee also was signed by the members who attended

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

332 p 39 5179

Legal Practitioners (amending) Bill.

D. 514/Rc

File No. of 193 .

General and Revenue Secretariat

Submitted for orders if Copies of the S.C. report may be forwarded to the L.C. office for further action.

9.9.39.

Yes
9.9.39

To the L.C. office with three Copies of report of the S.C. for further action. The file may kindly be returned after taking the Copies.

20.9.39

21/9

3 Copies taken and file returned.

22/9/39. Proty Grp

22.9.39

The report of the Select Committee has been published in the Gazette

The following Motions are put up for inclusion in the Agenda of the ensuing L.C.

1. Motion that the report of the Select Committee and the Bill as amended by it be taken into Consideration

Mover 1st Member.

Seconder Law Secretary

2. Motion that the Bill as amended by the Select Committee be passed

Mover 1st Member

Seconder: Law Secretary

4.1.40

Law Secy)
3/1/40

1st Member
3/1/40

5/1/40

3/1/40 3/1/40

OFFICE OF THE SECRETARY
21 SEPT. 1939
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

OFFICE OF THE FIRST MEMBER OF COUNCIL
JAN 5 1940
No. 6357

SECY. LAW DEPT. 4522 GOVT OF MYSORE

Legal Practitioners (amendment) Bill. 4332/P

General and Revenue Secretariat. | File No. D-1120/Re of 19 | [App. F. III-2

Serial No.

OFFICE OF THE SECRETARY
5413
5 JAN. 1940
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

OFFICE OF THE FIRST MEMBER OF COUNCIL
JAN 24 1940
J.O.C.

To L.C. office

for noting the motions for inclusion in the Agenda and returning the file.

Sd/-
5.1.40.

Noted & returned.

BDN. Protection Branch).
9-1-40.

The report of the Select Committee and the Bill as amended by them were placed before the Representative Council on the 22nd inst and the Bill as amended was passed by R.C. & put up for orders.

Sd/-
23.1.40.

Law Secretary) 3/23/1/40

1st Member) Sd/- 3/24/1

Signed J.N. placed in file.

J. N. Balasuriya

Secretary) Sd/- 3/24/1

NOTE-Contn. Sheet.

Final Note by the First Member of Council.

Subject.—

Legal Practitioners (Amendment) Bill.

Gracious approval of His Highness was accorded in May 193 to place before the Representative Assembly the general principles of a Bill to amend the Legal Practitioners Act, 1884.

The general principles were accordingly considered by the Representative Assembly during the Birthday Session of 1939 and accepted by them. The Bill itself was thereafter introduced into the Legislative Council in June 1939 and was referred to a Select Committee for consideration.

The report of the Select Committee was presented to the Legislative Council at the meeting held on the 22nd January 194(and the Bill as revised by that Committee finally adopted by the Body.

I now solicit gracious sanction of His Highness to promulgate the Bill into law.

MEMBER OF COUNCIL

Bangalore,
25th January 1940.

Submitted to His Highness.

I submit herewith a Final Note by the FIRST *Member of Council on the subject of* the Legal Practitioners (Amendment) Bill,

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

Bangalore,

29th January 1940.

Record of Cases submitted for the Orders of

His Highness the Maharaja.

Subject.

Promulgation into law of the Legal Practitioners (Amendment) Bill.

Chief Secy
No
31-1-40

No. 502

Order.

~~KRW~~
30/1/40

31.1.40

4332/37
P 37
N.S. 227

General and Revenue
Secretariat.

SUBJECT:—

Promulgation into Law of the Legal Practitioners (Amendment) Bill

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* *Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

Law .....Department.

7358
1.2.40

FIRST MEMBER OF COUNCIL. 1/2/40

6272
2.2.40

SECOND MEMBER OF COUNCIL. 2.2.40

Law Secy. with Compliments.

2/2/40

WD 04642—GPB—500—23-10-39

3572

Legal Practitioners (Amendment) Act 4572

General and Revenue Secretariat — Legislative File No. 40 of 1939. [App. F. III—2

Serial No.

The gracious sanction of His Highness was accorded on the 30th January 1940 to promulgate the Bill into law.

A draft G.O. publishing the Act as Act no III of 1940 is put up for orders.

Sd/- 5.2.40

Sd/- Legal Secretary

Approved by Hon'ble Minister 3/574

4572 3/574

Issued for no. P 5332 – Legis 40-39-1 dated 6.2.40 publishing Act as Act III of 1940

The Act has appeared in the Gazette of the 8th instant. (Pt IV)

Approved

A Rec

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

R. O. C. No. 1148/36-37

D. Dis. No. 74-37 — 12.2.37

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 14th September 1937.

FROM

T. Shamiengar, Esq., B.A., B.L.,
Registrar, High Court of Mysore.

To

R. T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

Adverting to paragraphs 403 to 405 of the Report of the Mysore Laws Delays Committee in the matter of framing rules regarding touting on the lines of those obtaining in British India, I am directed to suggest for the consideration of Government the amendment of Section 26 of the Mysore Legal Practitioners Regulation on the lines of Section 36 of the Legal Practitioners Act XVIII of 1879 in British India as subsequently amended by Act XV of 1926.

I have the honour to be,
Sir,
Your most obedient servant,

T. Shamiengar
Registrar.

VJC

Appendix F G—1]

SUBJECT.....

.....

.....

Section C 5

File No. 74-37

Serial No. 2

Diary No. of letter replied to .....

No. P 4584

To

The Registrar

High Court

General and Revenue Secretariat

( )

the *193* .

Date of issue 11/2/39

Signed by Asst. Secy.

Sir

With reference to your letter No Roc 1148 of 36-37 dt 15-2-1939 re the amendment of Section 26 of the Mysore Legal Practitioners' Act, I am directed to State that the question is under Consideration of Govt.

List of enclosures.....

Copied by.....

Examined by.....

I have the honour to be Sir Your most obedient servant

for Chief Secy to Govt

WD 0278—GPB—30,000—4-3-38

Legal Practitioners (amendment) Bill.

STATEMENT OF GENERAL PRINCIPLES.

The question of amending the Mysore Legal Practitioners Act,1884 so as to permit of the -- effective suppression of touting has been under the consideration of Government for sometime. The law as it stands at present has proved not very effective to control this evil. The Laws Delays Committee ~~has also~~ recommended the introduction of clear and definite rules on the lines of those obtaining in British India. In consultation with the High Court ~~Judicial authorities~~ it is ~~therefore~~ proposed to amend the Legal Practitioners Act on the lines of the Legal Practitioners (amendment) Act, 1926 of British India

~~Briefly, it is proposed to amend the law in the four following respects:-~~ The main changes proposed are

1. to extend the definition of a tout in section 3 of the Legal Practitioners Act so as to include firstly, persons whose remuneration comes from any person interested in any legal business as well as persons whose remuneratio comes from the legal practitioner himself, an secondly, persons who habitually frequent places of public resort for the purpose of procuring the employment in any legal business of any legal practitioner;

2. to permit the receipt of a resolution passed by a majority of not less than two-thirds of the members of a Bar Association as evidence of general repute;

3. to enable the courts and authorities who may now frame and publish lists of touts to cause inquiries to be held by a subordinate court, which inquiries, if that subordinate court concludes that the persons in question have been proved as touts, will lead to their inclusion in the list of touts framed and published under section 26 of the Legal Practitioners Act; and

4. to penalise any person whose name has been included in the list of touts who continues to act as tout.

In regard to the last point it will be observed that under section 26 of the Legal Practitioners Act, the

BILL FURTHER TO AMEND THE MYSORE LEGAL PRACTITIONERS ACT, 1884.

Whereas it is expedient further to amend the Mysore Legal Practitioners Act, 1884, for the purposes hereinafter appearing, it is hereby enacted as follows:-

Short Title.

1. This Act may be called the Mysore Legal Practitioners (amendment) Act 193...

Amendment of Section 3 of Act III of 1884.

2. For the definition of "tout" in Section 3 of the Mysore Legal Practitioners Act, 1884 (hereinafter referred to as the said Act) the following definition shall be substituted, namely:-

"Tout" means a person - (a) who procures in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or

(b) who for the purposes of such procurement frequents the precints of Civil or Criminal Courts ~~(or of revenue offices)~~ or railway stations, landing stages, lodging places or other places of public resort.

Amendment of Section 26 of Act III of 1884.

3. In section 26 of the said Act, -

(a) in subsection (1)

after the word "satisfaction" the words "or to the satisfaction of any subordinate court as provided in sub-section (2-A)" shall be inserted

(b) to sub-section (1) the following explanation shall be added, namely:-

Explanation.

"The passing of a resolution declaring any

person to be or not to be a tout by a majority of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practice as legal practitioners in any court ~~(or revenue office)~~ shall be evidence of the general repute of such person for the purposes of this sub-section"

(c) after sub-section (2) the following subsection shall be inserted, namely:-

"(2-A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that Court to hold an inquiry in regard to such persons; and the subordinate Court shall thereupon hold an inquiry into the conduct of such persons and after giving each such person an opportunity of ~~showing~~ showing cause as provided in sub-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate court to be a tout, and that authority may include the name of any such person in the list of touts framed and published by that authority: Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard";

(d) after sub-section (5) the following sub-section shall be inserted, namely:-

(6) any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both

H.H.766
10/5/39

DRAFT FINAL NOTE.

The Laws Delays Committee, 1926 in its report recommended the introduction of clear and ~~the~~ definite rules on the lines of those obtaining in British India to put down the evil of touting. The question of amending the Mysore Legal Practitioners Act, 1884 so as to permit of the effective suppression of touting has since then been under the consideration of Government. The High Court also has recommended ~~an~~ the amendment of the Legal Practitioners Act for this purpose.

It is ~~therefore~~ proposed to amend ~~the~~ the Act on the lines of the Legal Practitioners (amendment) Act, 1926 of British India.

The proposal has been agreed to by the Dewan and the Second Member of Council. I solicit the gracious sanction of His Highness to place the general principles of the Bill before the ensuing session of the Representative Assembly and to introduce the Bill in the Legislative Council in due course.

Member of Council.

8.5

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

No.1049-55 Dated Bangalore the 21st Aug. 1939.

OFFICIAL MEMORANDUM.

A meeting of the Select Committee appointed to consider the Legal Practitioners (amendment, Bill, will be held in the Chambers of the First Member of Council, Old Public Offices Buildings, Bangalore at 1 ... on Saturday the 2nd September 1939.

By Order,

BKR

Secretary to the Committee.

To The Members of the Committee.

NOTIFICATION.

No. 2994—L. C., Bangalore, dated 23rd May 1939.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Legal Practitioners Act, 1884, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,
Mysore Legislative Council.

Bill further to Amend the Mysore Legal Practitioners Act, 1884.

Whereas it is expedient further to amend the Mysore Legal Practitioners Act, 1884, for the purposes hereinafter appearing; it is hereby enacted as follows:—

Short Title.

(1) This Act may be called the Mysore Legal Practitioners (Amendment) Act 193

Amendment of Section 3 of Act III of 1884.

(2) For the definition of "tout" in Section 3 of the Mysore Legal Practitioners Act, 1884 (hereinafter referred to as the said Act), the following definition shall be substituted, namely :—

"Tout" means a person—(*a*) who procures in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or

(*b*) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or railway stations, landing stages, lodging places or other places of public resort.

Amendment of Section 26 of Act III of 1884.

(3) In Section 26 of the said Act,

(*a*) in sub-section (1)

after the word " satisfaction " the words " or to the satisfaction of any subordinate court as provided in sub-section (2-A) " shall be inserted ;

(*b*) to sub-section (1) the following explanation shall be added, namely :—

Explanation.

" The passing of a resolution declaring any person to be or not to be a tout by a majority of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practice as legal practitioners in any court shall be evidence of the general repute of such person for the purposes of this sub-section ;"

(*c*) after sub-section (2) the following sub-section shall be inserted, namely :—

" (2-A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that court to hold an inquiry in regard to such persons ; and the subordinate court shall thereupon hold an inquiry into the conduct of such persons and after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate court to be a tout, and that authority may include the name of any such person in the list of touts framed and published by that authority : Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard " ;

(*d*) after sub-section (5) the following sub-section shall be inserted, namely :—

(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both.

Statement of Objects and Reasons.

The question of amending the Mysore Legal Practitioners Act, 1884, so as to permit of the effective suppression of touting has been under the consideration of Government for some time. The law as it stands at present has proved not very effective to control this evil. The

Laws Delays Committee recommended the introduction of clear and definite rules on the lines of those obtaining in British India. In consultation with the High Court it is proposed to amend the Legal Practitioners Act on the lines of the Legal Practitioners (Amendment) Act, 1926 of British India.

The main changes proposed are :—

(1) to extend the definition of a tout in Section 3 of the Legal Practitioners Act so as to include firstly, persons whose remuneration comes from any person interested in any legal business as well as persons whose remuneration comes from the legal practitioner himself, and secondly, persons who habitually frequent places of public resort for the purpose of procuring the employment in any legal business of any legal practitioner ;

(2) to permit the receipt of a resolution passed by a majority of not less than two-thirds of members of a Bar Association as evidence of general repute ;

(3) to enable the courts and authorities who may now frame and publish lists of touts to cause enquiries to be held by a subordinate court, which inquiries, if that subordinate court concludes that the persons in question have been proved as touts, will lead to their inclusion in the list of touts framed and published under Section 26 of the Legal Practitioners Act ; and

(4) to penalise any person whose name has been included in the list of touts who continues to act as tout.

In regard to the last point it will be observed that under Section 26 of Legal Practitioners Act, the authorities are only empowered to exclude from the precincts of the court persons named in the list of touts. With the extension of the definition of a tout to persons who frequent places of public resort other than civil or criminal courts, such a penal provision is required.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

No. 2994—L. C., Bangalore, dated 23rd May 1939.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Legal Practitioners Act, 1884, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,
Mysore Legislative Council.

Bill further to Amend the Mysore Legal Practitioners Act, 1884.

Whereas it is expedient further to amend the Mysore Legal Practitioners Act, 1884, for the purposes hereinafter appearing; it is hereby enacted as follows:—

(1) This Act may be called the Mysore Legal Practitioners (Amendment) Act 193 . *Short Title.*

(2) For the definition of "tout" in Section 3 of the Mysore Legal Practitioners Act, 1884 (hereinafter referred to as the said Act), the following definition shall be substituted, namely :— Amendment of Section 3 of Act III of 1884.

"Tout" means a person—(*a*) who procures in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or

(*b*) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts, or railway stations, landing stages, lodging places or other places of public resort.

(3) In Section 26 of the said Act, Amendment of Section 26 of Act III of 1884.

(*a*) in sub-section (1)

after the word " satisfaction " the words " or to the satisfaction of any subordinate court as provided in sub-section (2-A) " shall be inserted ;

(*b*) to sub-section (1) the following explanation shall be added, namely :—

Explanation.

" The passing of a resolution declaring any person to be or not to be a tout by a majority of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practice as legal practitioners in any court shall be evidence of the general repute of such person for the purposes of this sub-section ;"

(*c*) after sub-section (2) the following sub-section shall be inserted, namely :—

" (2-A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that court to hold an inquiry in regard to such persons ; and the subordinate court shall thereupon hold an inquiry into the conduct of such persons and after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate court to be a tout, and that authority may include the name of any such person in the list of touts framed and published by that authority : Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard " ;

(*d*) after sub-section (5) the following sub-section shall be inserted, namely :—

(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both.

Statement of Objects and Reasons.

The question of amending the Mysore Legal Practitioners Act, 1884, so as to permit of the effective suppression of touting has been under the consideration of Government for some time. The law as it stands at present has proved not very effective to control this evil. The

Laws Delays Committee recommended the introduction of clear and definite rules on the lines of those obtaining in British India. In consultation with the High Court it is proposed to amend the Legal Practitioners Act on the lines of the Legal Practitioners (Amendment) Act, 1926 of British India.

The main changes proposed are :—

(1) to extend the definition of a tout in Section 3 of the Legal Practitioners Act so as to include firstly, persons whose remuneration comes from any person interested in any legal business as well as persons whose remuneration comes from the legal practitioner himself, and secondly, persons who habitually frequent places of public resort for the purpose of procuring the employment in any legal business of any legal practitioner ;

(2) to permit the receipt of a resolution passed by a majority of not less than two-thirds of members of a Bar Association as evidence of general repute ;

(3) to enable the courts and authorities who may now frame and publish lists of touts to cause enquiries to be held by a subordinate court, which inquiries, if that subordinate court concludes that the persons in question have been proved as touts, will lead to their inclusion in the list of touts framed and published under Section 26 of the Legal Practitioners Act ; and

(4) to penalise any person whose name has been included in the list of touts who continues to act as tout.

In regard to the last point it will be observed that under Section 26 of Legal Practitioners Act, the authorities are only empowered to exclude from the precincts of the court persons named in the list of touts. With the extension of the definition of a tout to persons who frequent places of public resort other than civil or criminal courts, such a penal provision is required.

Printed by the Superintendent at the Government Press, Bangalore.

List of Members of the Select Committee.

LEGAL PRACTITIONERS (amendment) Bill.

1. Mr. H.Lingappa
2. " D.H.Chandrasekharaiya
3. " H.T.Siddaramian X
4. " K.R.Subbannachar X
5. " Mirle N.Lakshminaranappa.
6. " K.Ranga Iyengar
7. " C.Subrahmanya Iyer.

CHAIRMAN:- FIRST MEMBER OF COUNCIL.

LEGAL PRACTITIONERS (AMENDMENT) BILL.

Present Sections.	Proposed Sections.
3. 'Tout' means a person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to a legal practitioner to procure his employment in any legal business in consideration of such remuneration.	'Tout' means a person - (a) who procures in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or (b) who for the purposes of such procurement frequents the precints of Civil or Criminal Courts or railway station landin stages, lodging places or other places of public resort.
26.(1) The High Court, the District and Sessions Judge, and the District Magistrate may each as regards their or his own Court, and the Courts, if any, subordinate thereto, frame and publish lists of persons proved to their, or his satisfaction, by evidence of general repute or	26.(1) The High Court, the District and Sessions Judge, and the District Magistrate may each as regards their or his own Court, and the Courts, if any, subordinate thereto, frame and publish lists of persons proved to their or his satisfaction, or to the satisfaction of any subordinate court as provided in sub-section (2-A), by evidence of general repute

otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

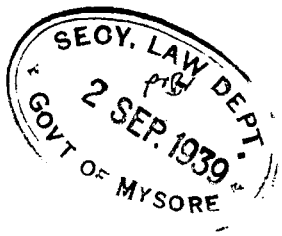
Explanation.- The passing of a resolution declaring any person to be or not to be a tout by a majority of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practice as legal practitioners in any court shall be evidence of the genral repute of such person for the purposes of this sub-section.

26. (2-A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that Court to hold an inquiry in regard to such persons; and the Subordinate Court shall thereupon hold an inquiry into the conduct of such persons and after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been provided to the satisfaction of the subordinate court to be a tout, and that authority may include the name of any such person to the list of touts

framed and published by that authority:

Provided that such authority shall hear any such person who before his name has been so included, appears before it and desires to be heard.

26.(6) Any person who acts asa tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both



Hole. Narsipur
1st Sept 1939

Dear Sir,

I regret that an important engagement prevents me from attending the meeting of the Select Committee (on the Legal Practitioners' (Amendment) Bill) tomorrow. I request you to be pleased to convey my regret to the Chairman and members of the Committee.

Yours Sincerely
N Subramanyan

To

The Secretary
Legislative Council
Bangalore

1st Member Ce
2/9/39

2/9/39

THE LEGAL PRACTITIONERS ACT AMENDING BILL.

Report of the Select Committee.

We, the members of the Select Committee to which the Legal Practitioners (amendment) Bill was referred, have carefully considered the several clauses of the Bill and have very few changes to suggest.

In clause 2 (b), we recommend that after the words "Criminal Courts or" the words "Revenue Offices or" may be added in order to include within the definition of "Tout" a person who frequents Revenue Offices also for procurement.

We consider that the majority referred to in Clause 3(b) should be a majority of at least two-thirds of the members present and we therefore recommend that after the words "majority of" the words "not less than two thirds of" be added.

As the Bill has not been materially changed, we recommend that it need not be republished.

2/9/39

2-9-39

2.9.39

NOTIFICATION.

No. 496—L. C., dated Bangalore, 25th September 1939.

Under Standing Order No. 49 of the standing orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Legal Practitioners (Amendment) Bill, is published for general information.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL.

Report of the Select Committee.

We, the members of the Select Committee to which the Legal Practitioners (Amendment) Bill was referred, have carefully considered the several clauses of the Bill and have very few changes to suggest.

In Clause 2 (*b*), we recommend that after the words "Criminal Courts or" the words "Revenue Offices or" may be added in order to include within the definition of "Tout" a person who frequents Revenue Offices also for procurement.

We consider that the majority referred to in Clause 3 (*b*) should be a majority of at least two-thirds of the members present and we therefore recommend that after the words "majority of" the words "not less than two-thirds of" be added.

As the Bill has not been materially changed, we recommend that it need not be republished.

N. Madhava Rao (Chairman).
C. Subrahmanya Aiyar.
Mirle N. Lakshminaranappa.
K. Rangaiengar.
D. H. Chandrasekharaiya.
H. Lingappa.

Messrs. K. R. Subbannachar and H. M. Siddaramiah were unable to attend the meeting.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

No. 2994—L. C., Bangalore, dated 23rd May 1939.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Legal Practitioners Act, 1884, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,
Mysore Legislative Council.

Bill further to Amend the Mysore Legal Practitioners Act, 1884.

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(1) This Act may be called the Mysore Legal Practitioners (Amendment) Act 193 . *Short Title.*

(2) For the definition of "tout" in Section 3 of the Mysore Legal Practitioners Act, 1884 (hereinafter referred to as the said Act), the following definition shall be substituted, namely :— Amendment of Section 3 of Act III of 1884.

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(*b*) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or Revenue offices or railway stations, landing stages, lodging places or other places of public resort.

(3) In Section 26 of the said Act, Amendment of Section 26 of Act III of 1884.

(*a*) in sub-section (1)

after the word "satisfaction" the words "or to the satisfaction of any subordinate court as provided in sub-section (2-A)" shall be inserted;

(*b*) to sub-section (1) the following explanation shall be added, namely :—

Explanation.

'The passing of a resolution declaring any person to be or not to be a tout by a majority of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practice as legal practitioners in any court shall be evidence of the general repute of such person for the purposes of this sub-section;"

(*c*) after sub-section (2) the following sub-section shall be inserted, namely :—

"(2-A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that court to hold an inquiry in regard to such persons; and the subordinate court shall thereupon hold an inquiry into the conduct of such persons and after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate court to be a tout, and that authority may include the name of any such person in the list of touts framed and published by that authority: Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard";

(*d*) after sub-section (5) the following sub-section shall be inserted, namely :—

(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both.

Statement of Objects and Reasons.

The question of amending the Mysore Legal Practitioners Act, 1884, so as to permit of the effective suppression of touting has been under the consideration of Government for some time. The law as it stands at present has proved not very effective to control this evil. The

Laws Delays Committee recommended the introduction of clear and definite rules on the lines of those obtaining in British India. In consultation with the High Court it is proposed to amend the Legal Practitioners Act on the lines of the Legal Practitioners (Amendment) Act, 1926 of British India.

The main changes proposed are :—

(1) to extend the definition of a tout in Section 3 of the Legal Practitioners Act so as to include firstly, persons whose remuneration comes from any person interested in any legal business as well as persons whose remuneration comes from the legal practitioner himself, and secondly, persons who habitually frequent places of public resort for the purpose of procuring the employment in any legal business of any legal practitioner ;

(2) to permit the receipt of a resolution passed by a majority of not less than two-thirds of members of a Bar Association as evidence of general repute ;

(3) to enable the courts and authorities who may now frame and publish lists of touts to cause enquiries to be held by a subordinate court, which inquiries, if that subordinate court concludes that the persons in question have been proved as touts, will lead to their inclusion in the list of touts framed and published under Section 26 of the Legal Practitioners Act ; and

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In regard to the last point it will be observed that under Section 26 of Legal Practitioners Act, the authorities are only empowered to exclude from the precincts of the court persons named in the list of touts. With the extension of the definition of a tout to persons who frequent places of public resort other than civil or criminal courts, such a penal provision is required.

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G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

.....

.....

Section. Legis
File No. 40 - 39
Serial No. 1

Diary No. of letter replied to.....

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. P S 332 / Legis

GENERAL AND REVENUE SECRETARIAT,

( )

, the.....*191* .

Ordered that the accompanying Act further to amend the Mysore Legal Practitioners Act, 1884

which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as ~~Regulation~~ Act No. III of 1940, in the *Mysore Gazette* for general information.

Date of issue 6/2/40

Signed by Mr. C. S. A.

Secretary to Government.
For Law department

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of .....~~spare copies in English, and~~ .....spare copies in Kannada to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

Spare Copies as per Standing Orders.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

O R D E R No.P. S332 Legs 40-39-1

Dated Bangalore the 6th February 1940.

Ordered that the accompanying Act further to amend the Mysore Legal Practitioners Act, 1884 which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act No.III of 1940, in the Mysore Gazette for general information.

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies as per standing orders. ~~Proofs should be sent to this office for approval before publication~~

cn

NOTIFICATION.

No. 2994—L. C., Bangalore, dated 23rd May 1939.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Legal Practitioners Act, 1884, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

~~*Mysore Legislative Council.*~~

Act No III of 1940

The Mysore Legal Practitioners (Amendment) Act, 1940.

(Receiving the assent of His Highness the Maharaja on the 30th day of January 1940)

~~**Bill further to Amend the Mysore Legal Practitioners Act, 1884.**~~

Whereas it is expedient further to amend the Mysore Legal Practitioners Act, 1884, for the purposes hereinafter appearing; it is hereby enacted as follows:—

(1) This Act may be called the Mysore Legal Practitioners (Amendment) Act, 1940. *Short Title.*

Amendment of Section 3 of Act III of 1884.

(2) For the definition of "tout" in Section 3 of the Mysore Legal Practitioners Act, 1884 (hereinafter referred to as the said Act), the following definition shall be substituted, namely:—

"Tout" means a person—(*a*) who procures in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or

(*b*) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or railway stations, landing stages, lodging places or other places of public resort.

Amendment of Section 26 of Act III of 1884.

(3) In Section 26 of the said Act,

(*a*) in sub-section (1)

after the word "satisfaction" the words "or to the satisfaction of any subordinate court as provided in sub-section (2-A)" shall be inserted;

(*b*) to sub-section (1) the following explanation shall be added, namely :—

Explanation.—"The passing of a resolution declaring any person to be or not to be a tout by a majority of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practice as legal practitioners in any court shall be evidence of the general repute of such person for the purposes of this sub-section;"

(*c*) after sub-section (2) the following sub-section shall be inserted, namely :—

"(2-A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that court to hold an inquiry in regard to such persons; and the subordinate court shall thereupon hold an inquiry into the conduct of such persons and after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate court to be a tout, and that authority may include the name of any such person in the list of touts framed and published by that authority: Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard";

(*d*) after sub-section (5) the following sub-section shall be inserted, namely :—

"(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both.

Sd Mirza M. Ismail,
Dewan.

Statement of Objects and Reasons.

The question of amending the Mysore Legal Practitioners Act, 1884, so as to permit of the effective suppression of touting has been under the consideration of Government for some time. The law as it stands at present has proved not very effective to control this evil. The

Laws Delays Committee recommended the introduction of clear and definite rules on the lines of those obtaining in British India. In consultation with the High Court it is proposed to amend the Legal Practitioners Act on the lines of the Legal Practitioners (Amendment) Act, 1926 of British India.

The main changes proposed are :—

(1) to extend the definition of a tout in Section 3 of the Legal Practitioners Act so as to include firstly, persons whose remuneration comes from any person interested in any legal business as well as persons whose remuneration comes from the legal practitioner himself, and secondly, persons who habitually frequent places of public resort for the purpose of procuring the employment in any legal business of any legal practitioner ;

(2) to permit the receipt of a resolution passed by a majority of not less than two-thirds of members of a Bar Association as evidence of general repute ;

(3) to enable the courts and authorities who may now frame and publish lists of touts to cause enquiries to be held by a subordinate court, which inquiries, if that subordinate court concludes that the persons in question have been proved as touts, will lead to their inclusion in the list of touts framed and published under Section 26 of the Legal Practitioners Act ; and

(4) to penalise any person whose name has been included in the list of touts who continues to act as tout.

In regard to the last point it will be observed that under Section 26 of Legal Practitioners Act, the authorities are only empowered to exclude from the precincts of the court persons named in the list of touts. With the extension of the definition of a tout to persons who frequent places of public resort other than civil or criminal courts, such a penal provision is required.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

Order No. 5332—*Legis.* 40-39-1, *dated Bangalore, the 6th February* 1940.

Ordered that the accompanying Act further to amend the Mysore Legal Practitioners Act, 1884, which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act No. III of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. III OF 1940.

The Mysore Legal Practitioners (Amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja, on the 30th day of January* 1940.)

WHEREAS it is expedient further to amend the Mysore Legal Practitioners Act, 1884, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

(1) This Act may be called the Mysore Legal Practitioners (amendment) Act, 1940.

Amendment of section 3 of Act III of 1884.

(2) For the definition of "tout" in section 3 of the Mysore Legal Practitioners Act, 1881 (hereinafter referred to as the said Act), the following definition shall be substituted, namely :—

"Tout" means a person—

(*a*) who procures in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or

(*b*) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or revenue offices or railway stations, landing stages, lodging places or other places of public resort.

Amendment of section 26 of Act III of 1884.

(3) In section 26 of the said Act,

(*a*) in sub-section (1)

after the word " satisfaction " the words " or to the satisfaction of any subordinate court as provided in sub-section (2-A) " shall be inserted;

(*b*) to sub-section (1) the following explanation shall be added, namely :—

Explanation.—" The passing of a resolution declaring any person to be or not to be a tout by a majority not less than two-thirds of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practice as legal practitioners in any court shall be evidence of the general repute of such person for the purposes of this sub-section ";

(*c*) after sub-section (2) the following sub-section shall be inserted, namely :—

" (2-A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that court to hold an inquiry in regard to such persons; and the subordinate court shall thereupon hold an inquiry into the conduct of such persons and after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate court to be a tout, and that authority may include the name of any such person in the list of touts framed and published by that authority : Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard ";

(*d*) after sub-section (5) the following sub-section shall be inserted, namely :—

(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both.

MIRZA M. ISMAIL,
Dewan.

Price 0-0-3.

Printed by the Superintendent at the Government Press, Bangalore.

Amendment (6)

Mr. D.H. CHANDRASEKHARAIYA:(speaking in Kannada): Sir, I beg to move the following amendment:

> " In clause 8 of the amended bill, substitute the words and figures ~~thirty per cent~~ '30 per cent' for 'half' in lines 1 and 8".

My amendment is in consonance with the recommendation of the Inam Committee. After considering all aspects of the matter, the committee recommended as follows in respect enlarging the scope for taking over villages under Government management:

> " Where kadim and permanent tenants holding not less than 30% of the occupied lands in an inam village apply to the Deputy Commissioner that the village should be taken over under Government management... The Deputy Commissioner may be required to hold a formal enquiry... " ..... Again, where an inamdar or where the village is held in shares or vrittis, the sharers or vrittidars holding not less than 30% of the lands in the village apply to the Deputy Commissioner..... the Deputy Commissioner may similarly hold a formal enquiry...."

> " The committee have fixed the above limit in respect of kadim tenants and co-sharers as it would be difficult to get a larger proportion of the tenants or vrittidars to join in an application and any concession extended would be a dead letter with a higher percentage..."

There is thus the definite opinion of the committee in favour of 30% and against any higher percentage. It consisted of prominent officers of Government and important non-officials and it was their unanimous

unanimous recommendation. I request that the amendment will be accepted.

Mr. H.B. GUNDAPPA: I second the amendment.

Mr. BELUR SRINIVASIENGAR: Sir, up till 1928, the takin over of management of the inam villages was with reference to cases only where the inamdar was a minor and there was mismanagement. Now the scope has been enlarged and it is recommended that whether the inamdar is minor or not, if there is mismanagement, the villages can be taken over and relief given to the tenants. And the representation regarding the mismanagement must be made by responsible persons holding interest in not less than 50% of the occupied lands. This is fair and equitable. But my friend Mr. Chandrasekharaiya wants that the holding of interest in occupied lands may be reduced to 30 per cent. To sup ort his supposition he quotes from the Inam Committee Report. And the report states that it would be hard to secure 50% of the tenants to join in an application to the Deputy Commissioner for takin, over the management. If it is difficult to get 50% of the tenants to join in an application, will it not be equally difficult to get 30% of the tenants? Why not reduced it to 20%, 10% or even 5%? If the percentage of interest is reduced, is it not likely that a few discontented tenants, who refuse to pay kandayam, may put in applicatio that the estate is badly managed an' is that not a very serious risk that the jodidar is subjected to? What he fails to get by 50%

of the tenants joining in an application, he wants to get by tenants holding 30% of the interest in ~~xxxxx~~ occupied lands joining in an application. It is a round about way of realising the object. It may be that 50% of tenants hold 30% of the interest in the estate. I oppose the amendment.

Mr. PRESIDENT: The question is:

> " In clause 8 of the amended bill, substitute the words and figures '30 per cent' for 'half' in lines 1 and 8"

The amdnement was negatived, 3 voting for and the rest against.

Mr. PRESIDENT: I now put the motion to the vote of the House. The question is:

> " that the report of the select committee on the bill and the bill as amended by them be taken into consideration".

The motion was adopted by the House.

(b) Motion that the bill as amended be passed

Mr. N. MADHAVA RAU: Sir, I beg to move that the bill as amended be passed.

Mr. B.T. KESAVAIENGAR: Sir, I beg to second the motion.

Mr. PRESIDENT: The question is:

" That the bill as amended be passed"

The motion was adopted.

7. Mysore State Life Insurance (amendment) Bill.

(a) Motion that the bill, published under Rule 8 of the Rules of Business, be read in Council.

The FIRST MEMBER (Rajamantrapravina N. Madhava Rau): Sir, I beg to move that the Mysore State Life Insurance (amendment) Bill, published under Rule 8 of the Rules of Business, be read in Council.

(H.E. speech)

The FINANCIAL SECRETARY TO GOVERNMENT (Mr. A.N. Raghavachar): Sir, I beg to second the motion.

Mr. BELUR SRINIVASIENGAR: I have some little difficulty. For the word 'Committee' the word 'Department' is substituted. But what will be degignation of the Chairman of the Mysore State Life Insurance Committee?

Mr. N. MADHAVA RAU: It is President of the Committee.

Mr. BELUR SRINIVASIENGAR: There is the Public Branch of the Mysore State Life Insurance Committee and hereafter we will have it as the Public Branch of the Insurance Department and what ~~dyoux~~ do you call the present Chairman of the committee?

The LAW SECRETARY TO GOVERNMENT (Mr. C. Subrahmanya Aiyar): There seems to be a little mistake in printing. We should have in clause 2, for ~~fox~~ the words 'State', 'Committee' and 'President' wherever they occur in the Mysore State Life Insurance Act, 1917, the words ' Government', 'Department' and 'Head' respectively.

Mr. N. MADHAVA RAU: Yes. It is in the bill itself.

Mr. BELUR SRINIVASIENGAR: There is the word 'Head'. We cannot be 'Head' for the Public Branch. So far as official ~~insurance~~ branch is concerned, it is quite all right. But I am speaking of the Public Branch which is quite separate and for which we have elected members. For that committee we have got now a Chairman. According to the amended section, the present name is changed to 'Mysore Insurance Department'. What about the designation

to be given for the present Chairman of the Public Branch of the Insurance Committee?
(A voice: There is a corrigendum issued. Please see it.) (A copy of the corrigendum was placed into the hands of the speaker)
A corrigendum has been placed in my hand. But the correction mentioned there does not, I am afraid, make the meaning clear. It has made the situation worse, so far as the Public Branch is concerned.

One more submission. The bill itself has only 8 lines and the corrigendum has 4 lines. Let us have it corrected.

Mr. A.N. RAGHAVACHAR: Sir, the object of this bill is not to do away with the committee or anything at all but to make it very clear in the Act itself that the Public Branch of the Insurance also is practically a department of Government and the policies issued are guaranteed from the revenues of Mysore. The words 'Head of the department' apply to the statutory functions which the departmental head has to exercise under the Act itself in respect of disbursements and other payments he has got to make and the designation 'President of the Committee' still continues.

Mr. BELUR SRINIVASIENGAR: The corrigendum says that for the word 'Head' substitute the word 'President'. I would suggest the name 'Commissioner of Insurance' being given, just like there is a designation like 'Income-tax Commissioner'. If some such designation is given, all this confusion will go. What is your difficulty in giving such designation?

Mr. N. MADHAVA RAU: He will be a Superintende of Insurance dealing with all Insurance business.

Mr. BELUR SRINIVASIENGAR: So, he is subordir to the Head of the Insurance Department!

Mr. N. MADHAVA RAU: No, ~~no.~~ He has got nothing to do with the Mysore State Life Insurance, but will deal with all insurance business.

Mr. BELUR SRINIVASIEN AR: True. But the suggestion of the mover is that there will be another officer coming into existence. He may be a Superintendent. But, so far as the Presiden or the Head of the committee is concerned, you may call him 'Commissioner'. There is no difficulty at all. On the other hand, if you substitute for 'Head' the word 'President', ~~xk~~ as proposed, it does not look good. Had this matter at least come before our committee, we could have quoted ~~q~~ analogies and the matter could have been discussed there. I do not know why t is legislation was not brought before the Insurance Committee. I want the designation t be given to the President to be thought over. The r sent designation is not at all happy. Where was any hurry? I know the circumstances under which the amendment has been proposed. I quite agree with the necessity for the amendment But beautiful phrases could have been suggested by us in the committee. The Insurance departmen is the fifth concern in the whole of India. We are giving 20% bonus. Therefore, before we changed the name of our own organization, we should have been consulted. Little courtesy on your part would never have caused any

any inconvenience to you.

Rajasabhabhushana Diwan Bahadur K.VENKATASILNGAR: Sir, I have gone through the Regulation of 1917. I do not know whether Mr. Belur Srinivasien ar who is taking the objection has gone through the Regulation. The bill refers only to certain amendments to be made to the Regulation of 1917. On going through it I find that the amendment proposed does not in any way materially affect the existing situation. For instance, the Regulation of 1917 says:

> "When an insured dies without making any nomination, the officer whose duty it is to make payment ..... may pay it provided the sum payable does not exceed Rs.2,000 to such person as the President of the Insurance Committee ..... "

Now, for the word 'President', what is now proposed to be substituted is 'Head of the Insurance Department', so that it does not at all affect the original Insurance Regulation. It is a very small amendment. I am reading the proposed bill along with the original Regulation which is proposed to be amended. There is nothing to which objection need be taken. There is nothing which will cause embarassment or difficulty.

Mr. PRESIDENT: The question is:

> " That the bill, published under Rule 8 of the Rules of Business beread in Council".

The motion was adopted.

(b) Motion that the Rules of Business and standing orders be suspended and the bill be taken into consideration at once without reference to select committee.

Mr. N. MADHAVA RAU: Sir, I beg to move that the Rules of Business and Standing Orders be suspended and the bill be taken into consideration at once without reference to a select committee.

Mr. A.N. RAGHAVACHAR: I beg to second the motion.

Mr. PRESIDENT: The question is:

" That the Rules of Business and Standing Orders be suspended and the Bill be taken into consideration at once without reference to select committee."

The motion was adopted.

(c) Motion that the bill be passed.

Mr. N. MADHAVA RAU: Sir, I beg to move that the bill be passed.

Mr. A.N. RAGHAVA CHAR: I beg to second the motion.

Mr.PRESIDENT: The question is :

" That the bill be passed."

The motion was adopted.

8. Provident Funds (amendment) Bill.

(a) Motion that the Bill, published under Rule 8 of the Rules of Business, be read in Council.

The FIRST MEMBER (Rajamantrapravina N. Madhava Rau): Sir, I beg to move.

H.E. speech

The FINANCIAL SECRETARY TO GOVERNMENT (Mr. A.N. Raghavachar): I beg to second the motion.

Mr. PRESIDENT: The question is:

" That the bill, published under rule 8 of the rules of business, be read in Council".

The motion was adopted.

(b) Motion that the Rules of Business and Standing Orders be suspended and that the Bill be taken into consideration at once without reference to select committee.

Mr. N. MADHAVA RAU: Sir, I beg to move that the Rules of Business and Standing Orders be suspended and that the bill be taken into consideration at once without reference to select committee.

Mr. A.N. RAGHAVACHAR: I beg to second the motion.

Mr. PRESIDENT: The question is :

" That the Rules of Business and Standing Orders be suspended and that the bill be taken into consideration at once without reference to select committee."

The motion was adopted.

(c) Motion that the bill be passed.

Mr. N. MADHAVA RAU: Sir, I beg to move that the bill be passed.

Mr. A.N. RAGHAVACHAR: I beg to second the motion.

Mr. PRESIDENT: The question is :

"That the bill be passed".

9. Mysore Village Panchayet (amendment)Bill.

(a) Motion that the bill, published under Rule 8 of the Rules of Business, be read in Council.

The SECOND MEMBER (Mr. K.V. Anantaraman): Sir, I beg to move that the Mysore Village Panchayet (amendment) Bill which has been published under Rule 8 of the Rules of Busines be read in Council.

A number of villages in the State have now protected water supply installations. The existing provisions of the Mysore Village Panchayet Act for the regulation of water supply at present are inadequate. Under the existing law, neither the village panchayets nor even the Government have any power to frame rules for regulating or controlling the water supply or the water works in a village.

Under the proposed amendment, Government is given power to make rules for safeguarding water works and the appliances connected therewith and for regulating and otherwise controlling the supply of water from such works.

Such rules are very necessary to conserve and prevent injury to sources and means of water supply and appliances for the distribution of water, to regulate all matters connected with the supply and use of water and to prevent the waste of water The mendment closely follows a similar provision in the Mysore City Municipalities Act.

The general principles of the bill were placed before the Representative Assembly at its last session and were accepted by it.

The LAW SECRETARY TO GOVERNMENT (Mr. C. Subrahmanya Aiyar): I beg to second the motion.

Mr. BELUR SRINIVASIENGAR: ill the Government publish those rules? No doubt rules are necessary. But I am anxious whether the Village Panchayet Chairman and t ose who are really concerned with the consumption of water will have ~~anything~~ some definite voice in the regulation of water supply, etc.

Mr. K.V. ANANTARAMAN: The rules will be passed in consultation with and generally on the recommendation of panchayets concerned. It is not in public interest to publish them in the Gazette. The village panchayets concerned discuss the rules and communicate their views on them.

Mr. BELUR SRINIVASIENGAR: Have the Government already framed the rules?

Mr. K.V. ANANTARAMAN: Not yet.

Mr. J. MAHOMED IMAM: Will this bill apply also to other sources of water supply such as wells?

Mr. K.V. ANANTARAMAN: Ordinarily, wells do not present any complications. Because, panchayets are charged with the duty of providing water supply and therefore it cannot be limited to wells only.

Mr. J. MAHOMED IMAM: Secondly, I venture to suggest that it is absolutely necessary to restrict people from making use of water of certain wells. Fo example, there are guinea

guinea worm wells in Chitaldrug district, the use of water in which will certainly brin guinea worm disease. Even if fresh wells are provided, it is very difficult to prevent people making use of the water of these old wells, not because the water in them is better but because they are lazy and cannot go to the well and draw water. So, some control is necessary in regard to the use of the water of such wells. Whether those wells may be compulsorily ~~made~~ rendered unfit for use or some sort of compulsion is necessary to prevent people from making use of the water of such wells has to be considered. //The rules should also be applicable to draw wells. Many a time the villagers contaminate draw-well water also. They perform pujas and throw all sorts of things into them. In that way there is real danger of contamination. Also, somebody will put up a kana or cow-dung heap very near the well and we cannot ask him to remove it farther away. Often we find round about the wells a number of these kanas. Unless the people are compelled not to do, they will go on in their usual way. Further, rubbish and grass are carried away by wind and thrown into the wells. The water becom unhealthy. Such wells also must be brought under the purview of this bill.

~~Mr. K.V. ANANTARAMAN~~

Mr. K.V. ANANTARAMAN: The provisions in the bill are general. ~~It is~~ They are not limited to refer to any works of particular kind. But there is nothing to prevent suitable rules being framed to apply to any particular area.

Mr. J. MAHOMED IMAM: Secondly, Government may consider whether some compulsion may not be

be desirable to prevent persons making use of water of guinea worm wells.

Mr. K.V. ANANTARAMAN: We have copied the provisions in the City Municipalites Act. The phraseology is general enough to cover all those cases.

Mr. T. RAMACHANDRA: I support Mr. Imam's suggestions.

Further, round about the places wells must be properly kept safe with proper drainage. Provisions to that effect must be made in the rules. Pots kept on the slushy mud are dipped inside water of the wells and then water is lifted. There can be no further contamination of the well by obtaining so much of slush with every pot dipped into the water. Therefore, these wells must be provided with good platforms all round and proper drains and raised platforms outside for keeping pots. Otherwise, I fear contamination will spread easily.

Secondly, leaves and plants grow inside the wells. If the district boards are approached to see that they are removed, they say that it is not their concern. The panchayets say it is not their concern. All these plants get rotten inside the wells. So, Government must frame rules to see that none of these things contaminate water and that they should not be allowed to grow either inside or near the wells. Of course, these are all minor points. But because Government are spending ~~crore~~ to the tune of lakhs on these drinking water wells in villages, proper rules must be framed to prevent

prevent contamination from any source.

Mr. PRESIDENT: The question is:

" That the bill, published under Rule 8 of the Rules of Business, be ~~published~~ read in Council".

The motion was adopted.

(b) Motion that the Rules of Business and Standing Orders be suspended and that the bill be taken into consideration at once without reference to select committee.

Mr. K.V. ANANTARAMAN: I beg to move that the Rules of Business and Standing Orders be suspended and that the bill be taken into consideration at once without reference to select committee.

Mr. C. SUBRAHMANYA AIYAR: I beg to second the motion.

Mr. PRESIDENT: The question is:

"That the Rules of Business and Standing Orders be suspended and that the bill be taken into consideration at once without reference to select committee."

The motion was adopted.

(c) Motion that the bill be passed.

Mr. K.V. ANANTARAMAN: I beg to move that the bill be passed.

Mr. C. SUBRAHMANYA AIYAR: I beg to second the motion.

Mr. PRESIDENT: The question is:

"That the bill be passed."

The motion was adopted.

10. The Mysore City Municipalities (amendment) Bill.

(a) Motion that the Bill, published under Rule 8 of the Rules of Business, be read in Council.

The SECOND MEMBER (Mr. K.V. Anantaraman): Sir, I beg to move that the Mysore City Municipalities (Amendment) Bill, published under Rule 8 of the Rules of Business, be read in Council.

Under Section 178 of the Mysore City Municipalities Act, 1933, whenever a City Municipal Council considers that the interior of a building is so overcrowded as to be, or to be likely to become, dangerous or prejudicial to the health of the inhabitants or neighbours, it may institute proceedings before a Magistrate of the First Class for an order to prevent such overcrowding.

The Magistrate on production of a certificate by a Medical Officer and after such further enquiry, if any, as he thinks necessary may pass an order requiring the owner to terminate the overcrowding.

It has been found desirable that the production of a certificate from a Health Officer should have the same evidentiary value under the Act as that from a Medical Officer. Health Officers are Medical Graduates and are in fact called in some places Medical Officers of Health. The proposed amendment secures this object. It will be noticed that the certificate itself is not conclusive proof of overcrowding and the Magistrate may conduct such further enquiry as he deems necessary.

The general principles of the bill were placed before the Representative Assembly at its recent session and were accepted by that House.

The LAW SECRETARY TO GOVERNMENT (Mr. C. Subrahmanya Aiyar): I beg to second the motion.

Mr. M.C. LINGE GOWDA: (speaking in Kannada) This bill is very necessary to prevent overcrowding in Bangalore and Mysore. In one small house there are as many as three ~~families~~ tenants. While applying for licence for the construction of a building, the accommodation is shown in the plan as being sufficient for one single tenant. But gradually they let the other portions for rent. In some places, outhouses are built first and then the main building. As a result of all these, there has been congestion with no sufficient space for passage of air and ventilation, etc. Insanitation has increased to a large extent in these two cities. Bangalore is no doubt a health resort. But due to ~~xxx~~ congestion and insanitation ~~xxxxxxxxxxxxx~~ the visitors from outside carry away disease. It is therefore high time that power be taken to prevent overcrowding. This is a necessary piece of legislation.

Mr. PRESIDENT: The question is:

> "That the Bill, published under Rule 8 of the Rules of Business, be read in Council".

The motion was adopted.

(b) Motion that the Rules of Business and Standing Orders be suspended and that the Bill be taken into consideration at once without referenc to select committee.

Mr. K.V. ANANTARAMAN: I beg to move that the Rules of Business and Standing Orders be suspended and that the Bill be taken into consideration at once without reference to select committee.

Mr. C.Subrahmanya Aiyar: I beg to second the motion.

Mr. PRESIDENT: The question is:

"That the Rules of Business and Standing Orders be suspended and that the Bill be taken into consideration at once without reference to select committee."

The motion was adopted.

(c) Motion that the Bill be passed.

Mr. K.V. ANANTARAMAN: Sir, I beg to move that the bill be passed.

Mr. C. Subrahmanya Aiyar: I beg ~~kxxx~~ to second the motion.

Mr. PRESIDENT: The question is:

" That the bill be passed."

The motion was adopted.

11. The MYSORE UNIVERSITY (AMENDMENT) BILL.

(a) Motion that the Bill, published under Rule 8 of the Rules of Business, be read in Council.

The GENERAL SECRETARY TO GOVERNMENT (Mr. J. Appaji Gowda): Sir, I beg to move that the Mysore University (Amendment) Bill, published under Rule 8 of the Rules of Business, be read in Council.

When the Mysore University Act was passed in 1933, the kind of University contemplated was of the Unitary type with component institutions distributed between Bangalore and Mysore.

Since then however, the Federal principle in regard to University administration has been gaining ground and it has been found desirable to give powers to the University to bring within its ambit, institutions elsewhere, which are not directly administered by it, by providing for their affiliation.

Section 5 of the Act which defines the powers that could be exercised by the University is proposed to be amended by giving it the additional power of affiliating Colleges, the conditions and other details of affiliation being regulated by Statutes and Ordinances.

The other amendments proposed are all consequential. The Principals of affiliated Colleges are proposed to be made ex officio members of the Senate and the Heads of affiliated Colleges will have representation on the Council similar to the Heads of Constituent Colleges.

The general principles of the bill were placed before the Representative Assembly at its recent session and were accepted by that House.

The LAW SECRETARY TO GOVERNMENT (Mr. V. Subrahmanya Aiyar): Sir, I beg to second the motion.

Mr. D.H. CHANDRASEKHARAIYA (speaking in Kannada) Even since the University was started, it has remained a teaching university. In fact that was the object with which it was started. Whenever the affiliated system was thought of, views were being expressed that the University would not work well. But now, it appears that the opinion is gaining ground that it should be an affiliated type. All the existing colleges in Mysore and Bangalore are affiliated to the University. There are no non-affiliated colleges in the State. I do not know the reason why the Act is to be changed. Is it that the Madras University or the Bombay University have asked for the affiliation of some of their colleges? The necessity for the amendment may kindly be explained.

Mr. K.R. SUBBANNACHAR: This had come up before the University Senate. The idea is , as there is a probability that the C & M. Station area may come back to us ; there are some colleges in the Cantonment area. To facilitate them to affiliate to our University, the Senate has passed a resolution relating to the subject.

Mr. D.H. CHANDRASEKHARAIYA: But why not the Colleges in the Cantonment be also of the teaching type?

Mr. K. R. SUBBANNACHAR: But there is, ~~are some private colleges, as~~ for instance, the St. Joseph's College, ~~it~~ (and) is not a University College. ~~It is~~ an aided institution. The present Act allows affiliation of only those colleges which are under the direct control of the University. Therefore the Senate has accepted the proposal to provide for its ~~such~~ affiliation. of such Colleges

Mr. PRESIDENT: The question is:

" that the Bill, published under Rule 8 of the Rules of Business, be read in Council"

The motion was adopted.

(b) Motion that the Rules of Business and Standing Orders be suspended and that the bill be taken into consideration at once without reference to select committee.

Mr. J. APPAJI GOWDA: I beg to move that the Rules of Business and Standing Orders be suspended and that the bill be taken into consideration at once without reference to select committee.

Mr. C. SUBRAMANYA AIYAR: I beg to second the motion.

Mr. PRESIDENT: The question is:

" That the Rules of Business and Standing Orders be suspended and that the bill be taken into consideration at once without reference to select committee."

The motion was adopted.

(c) Motion that the bill be passed.

Mr. J. APPAJI GOWDA: I beg to move that the bill be passed.

Mr. C. SUBRAMANYA AIYAR: I beg to second the motion.

Mr. PRESIDENT: The question is :

"That the bill be passed."

The motion was adopted.

6. GENERAL PRINCIPLES OF THE BILL TO AMEND THE LEGAL PRACTITIONERS ACT, 1884.

The SECRETARY TO GOVERNMENT, GENERAL DEPARTMENT (Mr. J. Appaji Gowda) explained the general principles of the Bill as follows:--

(Here enter the printed statement).

Messrs. Mir MAHOMED HUSSAIN, JATARE NAIK, ABDUL RASOOL SAB, Isturi SAMPANGIRAMIAH and Y.V. MUNISWAMI IYER spoke in support of the general principles.

Mr. BALE GOWDA said that, generally speaking there need be no objection to the proposed legislation. But as regards the second of the main changes indicated in the statement of general principles, it might not be easy to secure a 2/3rds majority in the case of resolutions to be passed by Bar Associations regarding the general reputation of particular persons. He therefore suggested that resolutions passed by even a bare majority should be accepted as evidence of the general repute of such persons.

Mr. B.L. BYANNA agreed in this view. ~~The~~ ~~Pres~~

THE PRESIDENT considered that this was a matter of detail and might well be left to the Legislative Council.

Mr. Royara KEMPANNA referred to the first of the changes mentioned in the statement and said that it was reasonable to prevent touts from resorting to courts of law. But he did not think that it would be reasonable to prevent them from entering places of public resort.

The FIRST MEMBER (Rajamantrapravina N. Madhava Rau) replied that there was certainly no idea of preventing anybody from resorting to public places. The only object underlying the bill was to prevent the touts from going to such places with a view to procuring the business in question.

Mr. K.L. NANJAPPA NADIG enquired whether it was intended to prevent persons from even interfering in a dispute or brawl with a view to effecting a compromise or restoring good understanding.

Mr. N. MADHAVA RAU said that that was not the intention. He added that the chief difficulty about this bill was that the term 'tout' could not adequately be defined or its meaning made sufficiently clear in the Kannada language.

Mr. K.L. NANJAPPA NADIG however remarked that the House could not accept the general principles of the Bill as they appeared at present. He felt that some alterations which he could not readily explain were really called for.

Mr. N. MADHAVA RAU stated that the definition of the term 'tout' as proposed to be adopted in Mysore was exactly the same as that in the British Indian Act so that the House need have no apprehensions about it.

Mr. L. VENKA REDDY suggested that in the case of persons interfering in a quarrel or brawl with the sole object of restoring harmony or pacifying the contending parties, exemptions might be provided for in the proposed law.

Rao Sahib M. RAMASWAMY observed that interference for such purposes was a matter of daily occurrence inthe villages and that some assurance from Government was really needed to the effect that respectable persons trying to settle disputes with no ulterior motives would continue to be safe even under the proposed law.

The general principles of the Bill were then ACCEPTED.

The House adjourned for lunch at 3 P.M. and reassembled at 3.30 P.M.

12. THE LEGAL PRACTITIONERS (AMENDMENT) BILL.

(a) Motion that the Bill, published under Rule 8 of the Rules of Business be read in Council.

The FIRST MEMBER (Rajamantrapravina N. Madhava Rau): Sir, I beg to move

The LA. SECRETARY TO GOVERNMENT (Mr. C

The LAW SECRETARY TO GOVERNMENT (Mr. C. Subrahmanya Aiyar): I beg to second the motion.

Mr. H. LINGAIYA: With great pleasure I support this bill. It is of immense help not only to the litigant public but also to the members of the learned profession. I say this from my own experience. I belong to that noble profession. In some cases the illiterate and the ignorant will be tools in the hands of touts and indirectly the lawyer also will be affected if the intervention of the tout comes midway between the client and the lawyer.

I should like to draw your kind attention to one seemingly inconsistency between the provision in the amended bill ; namely the explanation to sub-section (1) of section 26 and the main change proposed referred to in the Statement of Objects and Reasons. In the explanation it is stated:

> " The passing of a resolution declaring any person to be or not to be a tout by a majority of the members present at a meeting ....."

But in the main change proposed, referred to in the Statement of objects and reasons, clause (2) says

> " to permit the receipt of a resolution passed by a majority of not less than two-thirds of members of a Bar Association ....."

It may be a clerical error, or I do not know if it is purposely put down. At any rate there seems to be some inconsistency. Sometimes in interpreting a law, we have got to look into the statement of objects and reasons. So I request that this seeming inconsistency may be rectified. In other respects, the bill is all right.

Mr. D.H. CHANDRASEKHARAIYA:(speaking in Kannada): After 13 years the Government have brought forward an amendment. My thanks are to them for the proposed amendment. I wish to make one or two suggestions.

Even those frequenting the precincts of Revenue Courts must be brought under the definition of Tout. The words 'Revenue Courts' may therefore be added in clause (b) of the definition.

In the new sub-section (6) proposed to be added to section 26, whether the punishment of imprisonment referred to there is simple or rigorous or both must be made clear.

Mr. M.C. LINGE GOWDA (Speaking in Kannada): On account of these touts, there is no chance for the country to progress. Their part in murder and rioting cases is very evident and prominent. In the taluk and police offices also, their presence and hand of interference are visible. The evil is so rampant that it is required to be suitably dealt with. The measure is most welcome. In the definition, the above two offices also must be included.

Mr. H.M. SIDDARALIAH (speaking in Kannada): All know that touts are inevitable. Lawyers too know this, as also the litigant public. As the previous speakers have suggested, the addition of the words referred to by them is very necessary.

Khan Bahadur MAHOMED ABBAS KHAN: This is a very desirable measure. It should have been brought forward much earlier. This evil is rampant in the city of Bangalore, not only in Railway Stations but also near bus stands. A number of people are making a living by this means. Whenever they find a person with a bundle of papers, they begin to canvas. This bill is intended to include also the professional gentlemen, the lawyers and advocates who employ such touts. Instances are not wanting where such touts have been employed by them on a large scale. I have no knowledge of outside stations but so far as the City of Bangalore is concerned, this evil is prevailing to a very large extent. It is very desirable that Government should have introduced this measure.

Mr. K.R. SUBBANNACHAR: There is no doubt as to the existence of the evil in question. But the only point for consideration is whether the proposed legislation would remedy the evil. Even as it is, the Act is quite sufficient to punish the culprits. Touts have been free and earning not because there is no Act to restrict their movement but because no action is being taken by the executive to punish them. The executive action on the part of the Government is much more important than the mere passing of a law like the one under consideration. It is true no doubt that in cases of this kind where touts are involved, it is all the more difficult to have convictions in courts, because invariably they will have been associated with members of the Bar. What is wanted is a good deal of co-operation from the members of the Bar which I hope will be forthcoming as also vigilance and vigilant action on the part of the Government. In my opinion, the Act as

as it is is quite enough to control the activitie of touts. But, anyway I support the measure.

Mr. D.H. CHANDRASEKHARAIYA: There is no penal provision in the existing Act.

Mr. K.R. SUBBANNACHAR: Even without it, they can be controlled. That is not being done. No action at all is being taken against any tout. Therefore vigilance and prompt action on the part of the executive is very necessary, more important than the passing of the law. However, as I already stated, I support the bill.

Mr. PRESIDENT: The question is:

> " That the bill, published under hule 8 of the Rules of Business, be read in Council."

The motion was adopted.

(b) Motion that the bill be referred to a select committee.

Mr. M. MADHAVA RAU: I beg to move that the bil be referred to a select committee consisting of the following persons:

> Mr. N. Mirle Lakshminaranappa,
> Mr. C. Subrahmanya Aiyar,
> Mr. K. Rangiengar,
> Mr. H. Lingappa,
> Mr. D.H. Chandrasekharaiya,
> Mr. H.M. Siddaramiah,
> Mr. K.R. Subbannachar, and
> Myself.

Mr. C. SUBRAHMANYA AIYAR: I beg to second the motion.

Mr. PRESIDENT: The question is:

> " That the bill be referred to a select committee composed of the persons mentione by the mover."

The motion was adopted.

Section 26 Of Mysore Legal practioners Regn:

26 Power to frame and publish lists of Vakils

The High Court, the Dist and Sessions Judge and the Dist Magistrate, may, each as regards their or his own Court, and the Courts if any, Subordinate thereto, frame and publish lists of persons proved to their or his satisfaction, by evidence of general repute or otherwise, habitually to act as Vakils, and may, from time to time alter and amend such lists.

Section 36 of the Legal practioners Act XVIII of 1879 in British India as subsequently amended by Act XV of 1926.

36 Power to frame and publish lists of Vakils

(1) Every High Court, District Judge, Sessions Judge, District Magistrate and presidency Magistrate, every Revenue officer not being below the rank of a Collector of a District and the Chief Judge of every presidency Small Cause Court (each as regards their or his own Court and the Courts, if any, Subordinate thereto), may frame and publish lists of persons proved to their or his Satisfaction, [or to the Satisfaction of any Subordinate Court as provided in the Section (2A)] by evidence of general repute or otherwise, habitually to act as Vakils, and may from time to time alter and amend such lists

Mysore Regn

Br. Section Act

[Explanation - The passing of a resolution, declaring any person to be or not to be a tout, by a majority of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practise as legal practitioners in any Court or revenue office, shall be evidence of the general repute of such person for the purposes of this Sub-Section

2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion

2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion

[2-A. Any authority empowered under Sub-Section (1) to frame and publish a list of touts may send to any Court subordinate to such authority the names of any person alleged or suspected to be touts and order that Court to hold

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Mysore

Br. Indian Act

an inquiry in regard to such persons; and the Subordinate Court shall thereupon hold an inquiry into the Conduct of such persons and after giving each such person an Opportunity of Showing Cause as provided in sub section (2) shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the Subordinate Court to be a Kant; and that authority may include the name of any such person in the list of Kants framed and published by that authority.

Provided that such authority shall hear any such person who before his name has been so included, appears before it and desires to be heard]

Mysore Regn

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may by general or special order exclude from the precincts of the Court any person whose name is included in any such ~~Court~~ list.

5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout for the purpose of Section (11) clause (e)

Br. Indian Act

) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may by general or special order, exclude from the precincts of the Court any person whose name is included in any such list

5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout within the meaning of Section 13, clause (e) and Section 22, clause (d)]

[6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months, or with fine

(3) A copy of every such writ
shall be kept among the
records of the court.

(4) The Court or Judge may
by general or special order
exclude from the premises
the persons whose presence
would in their opinion
defeat the object of the
proceedings.

5) Every person who
is summoned to attend
as a witness shall be
entitled to such
conduct money and
witness fees as are
allowed on the trial
of actions in the
High Court.

6) Any person who
disobeys any such
writ shall be punished
as for contempt of
Court.

(7) Nothing in this
Order shall affect the
power of the Court
to commit for
contempt of Court.

(8) The Court or Judge may
by general or special order
exclude from the premises
the persons whose presence
would in their opinion
defeat the object of the
proceedings.

(9) A copy of every such writ
shall be kept among the
records of the court.

which may extend to five hundred rupees or with both.]